

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
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Plaintiff,)
)
)
vs.) Case No. 4:08CV00113 ERW
)
)
BERNARD E. SIROIS,)
)
)
Defendant.)

MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiff's Motion for Bill of Costs [doc. #16] and Plaintiff's Amended Motion for Bill of Costs [doc. #17].¹

This Court granted Plaintiff's Motion to Approve Consent Judgment on August 11, 2008. The Order provided that Plaintiff would have judgment against Defendant in the amount of \$109,363.04, plus post-judgment interest. Plaintiff now seeks costs associated with this action. Specifically, Plaintiff seeks \$350.00 for filing fees pursuant to 28 U.S.C. § 2412(a)(2). Defendant has not filed an objection to Plaintiff's request.

Rule 54(d) of the Federal Rules of Civil Procedure provides that "costs other than attorney's fees shall be allowed as of course to the prevailing party unless the court otherwise directs." Pursuant to 28 U.S.C. § 1920, costs may be taxed for:

- (1) Fees of the clerk and marshal;
- (2) Fees of the court reporter for all or any part of the stenographic transcript necessarily obtained for use in the case;
- (3) Fees and disbursements for printing and witnesses;

¹In Plaintiff's Motion for Bill of Costs [doc. #16], Plaintiff requests \$100 for the service of summons and subpoena and \$350 for filing fees. In Plaintiff's Amended Motion for Bill of Costs [doc. #17], on the other hand, Plaintiff requests only \$350 for filing fees, and requests nothing for service of summons and subpoena.

- (4) Fees for exemplification and copies of papers necessarily obtained for use in the case;
- (5) Docket fees under section 1923 of this title;
- (6) Compensation of court appointed experts, compensation of interpreters, and salaries, fees, expenses, and costs of special interpretation services under section 1828 of this title.

The Court may not award costs other than those authorized by § 1920 because this section “imposes rigid controls on cost-shifting in federal courts.” *Brisco-Wade v. Carnahan*, 297 F.3d 781, 782 (8th Cir. 2002) (internal quotation omitted). Upon objection by the opposing party as to authorized costs, however, the Court may exercise its discretion to grant or deny costs. *Pershern v. Fiatallis North America, Inc.*, 834 F.2d 136, 140 (8th Cir. 1987).

The Defendant in this case has not filed an objection, and therefore, the Court concludes that Plaintiff is entitled to costs in accordance with Rule 54(d) and 28 U.S.C. § 1920. The \$350.00 requested for filing fees is permitted under the statute and will be awarded. 28 U.S.C. § 1920(1); 28 U.S.C. § 2412(a)(2).

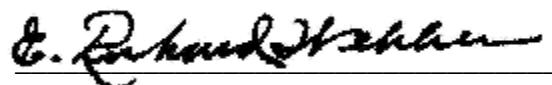
Accordingly,

IT IS HEREBY ORDERED that Plaintiff’s Amended Motion for Bill of Costs [doc. #17] is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk of Court shall tax \$350.00 against Defendant Bernard E. Sirois and in favor of Plaintiff United States of America, for fees of service and filing fees.

IT IS FURTHER ORDERED that Plaintiff’s Motion for Bill of Costs [doc. #16] is **DENIED, as moot.**

Dated this 2nd Day of October, 2008.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE